IN THE HIGH COURT OF UTTARANCHAL AT NAINTIAL

WRIT PETITION NO.942 (M/S) OF 2006
(Stay Application No.9131 of 2006)

Smt. Narinder Juneja W/o Sh. Manjeet Singh
R/o 22/1 Circle Road,
Dehradun. .....Petitioner.

Versus

1. Civil Judge (Senior Division), Dehradun.
2. Sh. Harbhajan Singh S/o Sh. Pooran Singh, R/o Mill Road, Doiwala, District Dehradun.
3. Sh. Yograj Singh Saini S/o Late Sh. Phool Singh Saini, R/o Village Bhaniawala District Dehradun.

..... Respondent

4. Mr. Maiden Structures Pvt. Ltd., B-1/56, Malviya Nagar, New Delhi through its Director.

.....Performa Respondents

21.07.2006

Sri V.K. Kohli, Senior Advocate and Sri I.P.Kohli, Counsel for the petitioner
Standing Counsel for the respondent no.1.

Hon'ble Rajesh Tandon, J.

Heard Sri V.K. Kohli, Senior Advocate & Sri I.P. Kohli, Counsel for the petitioner Standing Counsel for the respondent no.1.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 28.06.2006 passed by the Civil Judge (S.D.), Dehradun in suit no. 252 of 2006 Smt. Narinder Juneja Vs. Sh. Harbhajan Singh and others and for a direction to the respondent no.3. not to transfer the property till the disposal of the ad-interim injunction application.

Briefly stated, the petitioner purchased the land bearing Khasra No. 247m with one Sangeeta Agarwal, situate at Mauza Kanharwal and Mauza Bhaniawala. On 05.02.1988 Smt. Sangeeta Agarwal & respondent No.4 had entered with the petitioner, a partnership on 05.02.1998 and it was also agreed that the said

partnership business shall be in the name of M/s. Farideal Enterprises who will deal in development of real estate and will engage in construction of houses, educational and vocational institutions, residential colonies, hotels, nursing homes etc.

The petitioner has also submitted that Smt. Sangeeta Agarwal has withdrawn her partnership and she had sold & transferred the land which was allotted to her in favour of respondent no.2. Thereafter a suit was filed by the petitioner i.e. bearing no.252/2006 on 28.06.2006 for cancellation of the sale deed dated 28.04.2006. Alongwith the suit, an injunction application was also filed by the petitioner before the Civil Judge (S.D.). Civil Jude (S.D.) has passed the order issuing the notices for the disposal of the ad-interim injunction application.

A perusal of the order, shows that the Presiding Officer has fixed the date and further he has considered the urgency while entertaining the suit.

In view of the above, the Presiding Officer is directed to dispose of the ad-interim injunction application pending in Suit No. 252 of 2006. Meanwhile both the parties are directed not to make any third party interest. However, this will not prejudice the Presiding Officer while deciding the application for injunction independently.

Subject to the aforesaid observation, writ petition is disposed of. No order as to costs.

21.07.2006 **(Rajesh Tandon, J.)**

Jain